

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

v. : 19 Cr. 373 (PGG)

MICHAEL AVENATTI :

Defendant. :

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**DEFENDANT MICHAEL AVENATTI'S NOTICE  
OF MOTION TO DISMISS THE INDICTMENT FOR  
FAILURE TO STATE AN OFFENSE AND BECAUSE  
THE EXTORTION STATUTES ARE VAGUE-AS-APPLIED**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, defendant Michael Avenatti, pursuant to Fed.R.Crim.P. 12 and the Fifth Amendment to the Constitution, will move this Court, before the Honorable Paul G. Gardephe at the United States Courthouse, 500 Pearl Street, Courtroom 705, New York, New York 10007, for an Order dismissing the Indictment against him.

PLEASE TAKE FURTHER NOTICE, that upon prior order of the Court (Doc. #20), the Government's opposition papers are due by September 19, 2019, and Defendant's reply papers, if any, are due by October 3, 2019.

Dated: August 19, 2019

Respectfully submitted,

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*Attorneys for Defendant Michael Avenatti*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2019, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices.

/s/Scott A. Srebnick  
Scott A. Srebnick